

SENATOR CHAMBERS: Mr. Chairman, without trying to ask for an interpretation from the standpoint of argument, but to get something into the record, if provisions, which must be met, are joined by the word "and", does that mean that all of those provisions must be met, in the opinion of the Chair?

PRESIDENT: That is my understanding of the construction of the language. It's a conjunctive, rather than disjunctive phrase.

SENATOR CHAMBERS: Now if the Chair's ruling is correct, and the Chair is overruled, would the Constitution be placed in abeyance as a result of a vote by the Legislature to overrule the Chair?

PRESIDENT: The Legislature cannot suspend the Constitution, only its rules.

SENATOR CHAMBERS: So if the Chair is correct but is overridden, what is the effect if LB 532 is read and ostensibly is passed? Would the bill not, in fact, have been passed?

PRESIDENT: Well you're asking the Chair for an opinion, but the Chair would speculate that the Attorney General, based upon his previous opinions, would so advise the Governor that 532 was a nullity because of the constitutional defect, and that we would have no appropriation bill.

SENATOR CHAMBERS: Thank you. Members of the Legislature. There are some matters in 532 which I have a great interest in. One of them specifically and precisely is to require the needs assessment for the Native American's. I can understand the concern that certain people connected with school aid have, but I'm not in favor of jeopardizing everything in 532 to give them a parliamentary advantage. I'm not discussing the merits of the bill. I want to stay away from that. But Senator Lewis said he wanted to be frank about what we're doing. There is a day left in the session so that enough time can pass and we can certainly have complied with the Constitution and have Final Reading of 532 on that day.

PRESIDENT: I do caution you to stay with the issue of the appeal, Senator.

SENATOR CHAMBERS: Alright. If the appeal of the Chair's ruling is successful, can I give my opinion as to what I think the impact of that is?

PRESIDENT: I think so.

SENATOR CHAMBERS: It would mean that we're going to vote on the bill in total disregard of the possibility of a constitutional defect. If we have not complied with the Constitution then our voting with sufficient number to pass the bill under ordinary circumstances, will mean nothing. We will have all of the funding for these various agencies in 532 of no effect. The only thing then that we can do is to come back into special session and start all over again with that bill. If we have to start all over again..Mr. Chairman, I have to ask you this question. If an effort is made to pass the bill and an unconstitutional method is utilized, what is the status of that bill? If we had to come back into special session would we consider that bill which was not actually passed, or would we start the process again?